

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KYLE J. MITCHELL,)	
on behalf of himself and a class,)	07-C-6165
)	
Plaintiff,)	Judge Norgle
)	Magistrate Judge Brown
v.)	
)	
NCO FINANCIAL SYSTEMS, INC.,)	
)	
Defendant.)	

**PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE TO WITHDRAW PLAINTIFF'S
MOTION FOR CLASS CERTIFICATION**

Plaintiff respectfully asks the Court to enter an order withdrawing his motion for class certification.

In support of this motion, plaintiff states as follows:

1. On November 2, 2007 Plaintiff filed a motion for class certification prior to having determined the exact size of the class. Plaintiff filed the motion at this early stage of the litigation to avoid having his claims mooted by an offer of judgment. White v. Humana Health Plan, Inc., 06 C 5546, 2007 U.S. Dist. LEXIS 32263 (N.D.Ill., May 2, 2007).

2. In exchange for withdrawing his class certification motion without prejudice, Defendants have agreed that, prior to the refiling of the motion, they will not make a settlement offer to Plaintiff that will have the effect of mooting his claims.

3. Plaintiff now seeks leave to withdraw his motion. Plaintiff will refile the motion once he has had the opportunity to take discovery relating to numerosity.

WHEREFORE, Plaintiff respectfully asks the Court to enter an order withdrawing

his motion for class certification without prejudice

Respectfully submitted,

s/ Daniel A. Edelman
Daniel A. Edelman

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CERTIFICATE OF SERVICE

I, Daniel A. Edelman, hereby certify that on November 8, 2007, a true and accurate copy of the foregoing document was filed via the Court's CM/ECF system and notification of such filing was sent to the following parties:

Edwin R. Cummings
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s/ Daniel A. Edelman
Daniel A. Edelman